

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

NATHAN R. BARKER,)	
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL J. ASTRUE ¹ ,)	
Commissioner of Social Security,)	
)	Civil Action No.
Defendant.)	1:05-CV-156-C

ORDER

THIS MATTER comes before the court on the Report and Recommendation filed February 13, 2007 (Doc. 26). No written objections have been filed.

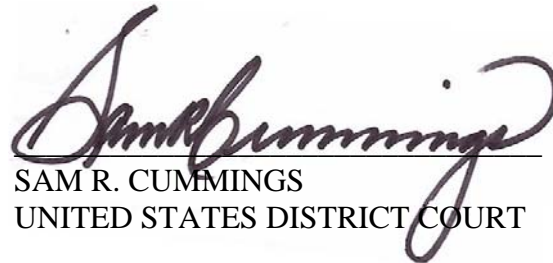
IT IS, THEREFORE, ORDERED that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand the ALJ should further consider the opinions of the treating and examining medical providers and Plaintiff's testimony and subjective allegations in determining the limitations imposed by Plaintiff's impairments, including his mental impairments; consider all of Plaintiff's limitations in determining Plaintiff's RFC; consider the consistency between Plaintiff's subjective allegations of pain and the opinions of the examining and treating medical sources in making his

¹ Michael J. Astrue has been appointed as the new Commissioner of Social Security, effective February 12, 2007, and is therefore substituted as Defendant in this matter for Jo Anne B. Barnhart, per FED. R. CIV. P. 25(d)(1).

credibility determination and in evaluating Plaintiff's subjective complaints of pain and the limitations imposed by his impairments; and, if the ALJ reaches the appropriate step in the sequential evaluation process, and upon further consideration of Plaintiff's limitations, determine whether it is appropriate to obtain vocational testimony or apply the grids.

Dated March 22, 2007.



SAM R. CUMMINGS
UNITED STATES DISTRICT COURT